The Voice and Vision for VAPT

<u>JUNE 2004</u> Editor, Bill Carr - Virginia Beach

A MESSAGE FROM OUR PRESIDENT



Barbara Goodman

The month of June always brings a flurry of activity, whether it is professional or personal. Graduations, weddings, vacation planning, summer school, and of course, the annual pupil transportation conference keep many of us very busy.

Speaking of the conference: after more than a decade, the conference is returning to Richmond. If you are planning to attend, I hope you will take time to visit some of the historic and interesting sites in the area.

While I am on the topic of the conference, I want to acknowledge and thank many people who have worked diligently "behind the scenes." Gail Turner, conference registration; Gail Patterson, vendor registration, Fred Valentine and Buster Bynum, exhibits; Martha Walker, name tags; Mitch Fenton and James Hinson, technicians' workshops, Warren Carter, sponsors; Mitzi Crosier and Harold Grimes, on-site support for road-e-o, shuttles, etc.; Dennis Lewis, golf tournament; John Hazelette and Velera Gammons, program; Sharon Utley, road-e-o; and the entire DOE staff for their willingness to do anything that needed to be done. On behalf of VAPT, thank-you!

On another note, this will be my final message to you as your VAPT president. I hope each of you has enjoyed the newsletter. Bill Carr, soon-to-be-retired supervisor of 26-years in Virginia Beach's Pupil Transportation Department, has agreed to stay on as the newsletter editor. Bill has done a very good job with the newsletter and works very hard to present information our members will enjoy. He has many great ideas for upcoming issues. Please support Bill by providing newsworthy items for the newsletter.

In closing, it has been an honor to serve as the president of VAPT. My one goal has been to keep pupil transportation in the forefront of every conversation about education and to represent the profession in the most professional way possible. I will continue to offer my time, energy and knowledge to the organization and look forward to many, many more good years in pupil transportation, especially VAPT.

Goodbye, for now, and I hope the best for everyone.

NFWS RFLFASF

Public Pupil Transportation Scholarship at Virginia Tech Awarded

LYNCHBURG, VA.... **Kyle Gregory Rodgers**, a graduating senior from Westfield High School in Fairfax County has been named the first ever recipient of the Public Pupil Transportation Scholarship at Virginia Tech. The \$2,500 award will be officially presented to Kyle at the Virginia Association for Pupil Transportation Annual Conference next month in Richmond.

This scholarship is made available through an endowment funded by Mr. Sonny Merryman of Rustburg, Virginia and his Campbell County based bus and trailer dealership – Sonny Merryman, Inc. – Virginia's Bus Company. Sonny Merryman, Inc. is the statewide school bus dealer for Thomas Built Buses.

"Providing educational opportunities to young people whose families have helped our company grow over the past thirty-seven years is an ideal way for us to express our gratitude to all the school bus folks across Virginia," says corporate Chairman of the Board F.W. "Sonny" Merryman, Jr. "The school bus business has been so very good to my family and our company and this is a great opportunity for us to give something back to the school bus community."

To be eligible for the scholarship the student must graduate from a public high school in Virginia, gain admittance to Virginia Tech, and be the child or grandchild of an employee in one of the state's 130 pupil transportation operations. Kyle's mother, Janet Simmons, is a school bus driver for Fairfax County Public Schools.

For More Information Contact:
Dean Farmer
(434) 821-1000 x 308

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POTPOURI...

If you would like to announce any pupil transportation supervisory personnel changes that have recently occurred in your school division, please email the information to Bill Carr, newsletter editor, at Feb945@yahoo.com.

Retiring supervisors in your division's pupil transportation operation may be included in your email, as well.

Save Time....

If you complete the $\underline{\text{VAPT}}$ Application found on page 11 and have your check filled out you will save time at the conference registration desk. Please follow the directions as shown on the application



HAMP HAISLIP

It is very sad to inform you Hamp Haislip died on May 24, 2004 at age 79. He was a revered advisor and sales consultant for Bluebird Buses and more recently for Amtran Buses in Virginia. He was the husband of Margaret Haislip and formerly owned and operated a farm in Greenville, just south of Staunton. Wade Hampton "Hamp" Haislip died at the University of Virginia Medical Center, Charlottesville with complications following surgery. He was born June 21, 1924 in Logan, West Virginia to Fred F. and Emma Haislip. In addition to his lovely wife Margaret, survivors include a son, Wade Hampton Haislip V of Staunton. Hamp was a recipient of the VAPT Hall of Fame Award for his many contributions throughout his long and distinguished career in the school bus transportation industry.

VAPT Committee Contact People

Please contact the chairpersons of the committees listed below if you are interested in serving on any of these committees:

Audit: Mitzi Crosier, Hanover Co., mcrosier@hanover.k12.va.us

Legislative: Harold F. Grimes, Henrico Co., hfgrimes@henrico.k12.va.us

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Constitution & Bylaws: C. Timothy Parker, Fairfax Co., tparker@fcps.edu

Membership: Mitzi Crosier, Hanover Co., mcrosier@hanover.k12.va.us

Resolutions: Michael Ashby, King William Co., mashby@kwcps.k12.va.us

Scholarship: David L. Pace, Virginia Beach, dpace@vbcps.k12.va.us

School Bus Safety Poster: Margaret Rayner, Hopewell, mrayner@hopewell.k12.va.us

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VAPT Web Site: C. Timothy Parker, Fairfax Co., tparker@fcps.edu

VAPT History: Dwight Elem, Mecklenburg Co., delam@meck.k12.va.us

VAPT Hall of Fame: Fred Valentine, FtDusters@aol.com

Budget: Frank Labrecque, Newport News, Frank.labrecque@nn.k12.va.us

VAPT/DOE Pupil Transportation Conference: Velera Gammons, Henry Co., vgammons@henry.k12.va.us

John Hazelette, Norfolk, jhazelet@nps.k12.va.us

School Bus Road-e-o: Sharon Utley, Chesterfield Co., sutley@chesterfield.k12.va.us

Faith

Nathaniel Hawthorne went home to tell his wife that he had just been fired from his job. "Good," she said. "Now you can write your book." "What do we live on meanwhile?" His wife opened a drawer filled with money. "I have always known that you are a man of genius," she said. "So I saved a little each week, and now I have enough to last for a year." Hawthorne used the time to write *The Scarlet Letter*, one of the great masterpieces of American literature.

The following drivers have driven a school bus in Virginia the longest number of years?



The information provided below is based on the response from the following school divisions:

CAMPBELL COUNTY

39 years Aubrey Venable

GILES COUNTY

42 years Graydon Shrader

HANOVER COUNTY

50 years Margaret Gray

NOTTOWAY COUNTY

50 years Leola Parker (retiring this month)

ROCKINGHAM COUNTY

48 years Bob Shirey

HAMPTON

47 years Henrietta Price46 years Nelda Wilson41 years Thelma Lattimore

VIRGINIA BEACH

40 years Lula Mae Lewis40 years Kathleen Thurman40 years Florence Vick

MECKLENBURG COUNTY



Gerald Snead will complete 60 years of driving a school bus 60 years in Mecklenburg County this month, June 2004. Gerald, now 75 years of age began driving school buses in 1944 when they were privately owned. He speaks of sitting behind the wheel of a 1935 Chevrolet school bus with wooden windows and wooden benches that ran down each side of the bus with a row down the middle turned back to back. Children of all ages road together from the first to the eleventh grade – no kindergarten or twelve-graders. The older children sat on the outside benches along the side of the bus and the younger ones in the center. In those days there was no central school bus garage, so the driver had the responsibility of changing oil, greasing the bus and changing the tires, whenever necessary. Most roads were not paved and if the bus got stuck, the big boys got out and pushed it, or someone would get a horse or mule to pull the school bus out. Gerald commented that not only have the buses changed a lot, but so has the salary. He was paid \$30 a month when he started driving some 60 years ago. Gerald continues to do a great job, rarely misses a day and has been accident-free through three generations of students.

Buster Bynum was admitted to Henrico Doctor's Hospital in Richmond for triple by-pass surgery on Wednesday, June 2, 2004. Buster is doing fine and getting plenty of rest. Cards for Buster should be sent to Buster Bynum c/o Dr. Barbara V. Goodman, Assistant Director Of Pupil Transportation, Chesterfield County Public Schools, P.O. Box 10, Chesterfield, Virginia 23832

VAPT Web Site: www.pen.k12.va.us/VDOE/Finance/VAPT/ A Little Bit of VAPT's 1978 History

PRESIDENT
Donald G. Travitz (Chesapeake)
PRESIDENT-ELECT
Robert Wilson (Washington County)
SECRETARY
Roy E. Hopkins (Louisa County)
TREASURER
Jack H. Jones (Richmond City)
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- Abraham Bushrod, Jr. (King George Co.)
- Robert A. Devers, Jr. (Loudon County)
- Richard C. Quesenberry (Montgomery County)
- Bradford Scherr (Suffolk)

VAPT experienced great interest from both school officials and vendors during its first year and by the fall of 1977 membership had grown to 75. VAPT held its first conference on November 13-17, 1977 at the Holiday Inn-Airport, Sandston.

Mr. Alonzo Monday, Director of the Division of Special Services (DOE) served as the keynote speaker for the opening session. Mr. Monday spoke about subjects regarding the limits the state will pay for pupil transportation, funding for transporting special education students, use of small vans and the increasing transportation reimbursement for the next biennium.

Mr. R.A. Bynum, Supervisor of Pupil Transportation (DOE) spoke during the two sessions Tuesday morning about various issues pertaining to specifications, funding, implementation of the eight-light system, legislation pertaining to the use of stop arms on school buses and concluded with a topic regarding self canceling turn signals.

Mr. Gerald Campbell, Assistant Supervisor of Pupil Transportation (DOE) provided an update on the Driver Training Program recommended by that department. Mr. Robert Wilson from Washington County Schools' Pupil Transportation Department assisted Mr. Campbell.

Other presentations during the conference were as follows:

- School Bus Shop Management and Purchasing Presenter: Bob Wilson, Washington County
- School Bus Vandalism and Student Discipline Presenter: Don Travitz, Chesapeake
- Speed Control Devices, General Manager, Sturdy Controls Presenter: Bernard Perrell
- Instructing the Student in School Bus Safety Presenter: John Mothershead, Henrico County
- Maintenance Problem Solving J.L. "Lefty" Owens, Chesapeake
- Highway Safety Program Funding Presenter: Richard Adams, Virginia Highway Safety Division

NEWS FROM NASDPTS, the NATIONAL ASSOCIATION of STATE DIRECTORS of PUPIL TRANSPORTATION SERVICES...

NASDPTS has issued two new reports dealing with the security of our pupil transportation system.

The first report, "Pupil Transportation System Security: Different Times – Added Responsibilities," was written to:

- 1. serve as a primer on the subject of pupil transportation system security;
- 2. offer guidance for improving operational security through a better understanding of terrorism and other acts of violence; and
- 3. provide an action plan to strengthen the abilities of pupil transportation providers to avoid or minimize the effects of possible acts of terrorism.

The second report, "Pupil Transportation System Security: Resources and Approaches," was written to provide specific actions for diligence, system security, and audits. It recommends actions at the system, supervisor, and driver levels. These actions include policies and procedures, training, and responsibilities.

Both documents are available to view and download from the association's website www.nasdpts.org. The documents appear in the Security Section.

The documents are combined into a single "pdf" file since the documents are intended to compliment each other.

NEWS from the NATIONAL ASSOCIATION for PUPIL TRANSPORTATION (NAPT) ...

The U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) has re-issued a warning to users of 15-passenger vans because of an increased rollover risk under certain conditions. Similar warnings were issued in 2001 and 2002.

The safety agency also unveiled an updated consumer hangtag for users of 15-passenger vans and released three related research reports. One of the reports is a detailed analysis of 15-passenger van crashes between 1990 and 2002.

The newly released NHTSA research reinforces the fact that 15-passenger vans have a rollover risk that increases dramatically as the number of occupants increases to full capacity. In fact, the likelihood of a rollover when a van is fully loaded is about five times greater than when the vehicle contains only a driver. While an increased likelihood of rollover is present for other types of fully loaded passenger vehicles, it is most pronounced for 15-passenger vans.

The new NHTSA analysis also showed that the risk of rollover increased significantly at speeds over 50 miles per hour and on curved roads.

Among the safety recommendations are the following:

- It is important that trained, experienced drivers operate these 15-passenger vans.
- Insist that all occupants wear safety belts at all times. In fact, 76 percent of those who died in 15-passenger van rollovers nationwide in single vehicle crashes from 1990 to 2002 were not buckled up. An unrestrained 15-passenger van occupant involved in a single

- vehicle crash is about three times as likely to be killed as a restrained occupant.
- If possible, have passengers and cargo forward of the rear axle and avoid placing any loads on the roof.
- Check your tires: Excessively worn or improperly inflated tires can lead to a loss-of-control situation and a rollover. At least once a month, check that the van's tires are properly inflated and the tread is not worn down.

According to NHTSA research, between 1990 and 2002, there were 1,576 15-passenger vans involved in fatal crashes. Of these, 349 were single vehicle rollover crashes. In separate research reports involving 15-passenger vans, NHTSA also examined the effects of tire pressure on rollover resistance and assessed the viability of electronic stability control (ESC) systems. The study, using a 2003 Ford F-350 and a 2004 GMC Savana, found that ESC could have some safety benefits under certain conditions.

While federal law prohibits the sale of 15-passenger vans for the school-related transport of high school age and younger students, no such prohibition exists for vehicles to transport college students or other adult passengers.

Additional information can be found at http://www.nhtsa.dot.gov/cars/problems/studies/15PassVans/15Pass
CustomerAdvisory.htm

Words from Maya Angelou...

"Though my hair has turned to gray and my skin no longer fits, on the inside, I'm the same old me, it's the outside's changed a bit. But, I've learned that no matter what happens, or how bad it seems today, Iife does go on, and it will be better tomorrow. I've learned that you can tell a lot about a person by the way he/she handles these three things: a rainy day, lost luggage, and tangled Christmas tree lights. I've learned that regardless of your relationship with your parents, you'll miss them when they're gone from your life. I've learned that making a "living" is not the same thing as making a "life." I've learned that life sometimes give you a second chance. I've learned that you shouldn't go through life with a catcher's mitt on both hands. You need to be able to throw something back. I've learned that whenever I decide something with an open heart, I usually make the right decision. I've learned that even

when I have pains, I don't have to be one. I've learned that every day you should reach out and touch someone. People love a warm hug, or just a friendly pat on the back. I've learned that I still have a lot to learn. I've learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel."

.... Maya Angelou

2004 Final Report - Passed and Approved Legislation

Bill Number, Subject, and Summary. Effective Date on Bills July 1, 2004

Bill numbers are given so employers may look up the bills to interpret the law. http://legis.state.va.us/

Please note that this is an informational sheet that is designed to point out passages of traffic legislation that maybe of great interest to employers and their employees, however it is not an all-inclusive listing.

Drivers Licenses

HB 43 **Restricted permit to operate a motor vehicle.** Authorizes a court to issue a restricted permit to operate a motor vehicle to a person in order for that person to travel to and from court appearances in which he is a subpoenaed witness or a party and appointments with his probation officer and to and from any programs required by the court or as a condition of probation.

HB 257 **Driver's licenses and learner's permits; renewals; vision examinations.** Provides that no driver's license or learner's permit issued to any person who is 80 years old or older will be renewed unless the applicant for renewal appears in person and either (i) passes a vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the standards contained in § 46.2-311.

HB 272 **Medical Review Process.** Adds pharmacists and other licensed medical professionals who are treating the driver or prescribing him or her medications to those sources who can report a driver anonymously for medical review.

Intersection Safety

HB 87 **Mobile infrared transmitters.** Prohibits operation by any person of a motor vehicle on the highways of the Commonwealth when the vehicle is equipped with a mobile infrared transmitter used to preempt or change the signal given by a traffic light. The bill also makes it illegal to sell any of these devices in the Commonwealth, except for uses permitted by the bill.

HB 777 **Traffic lights.** Provides that drivers of vehicles approaching an intersection controlled by traffic lights that are dark because of power failures or similar causes shall proceed as though the intersection were controlled by all-way stop signs.

Enhanced Penalties

HB 593 **Penalties for aggressive driving.** Allows the court to suspend the driver's license of and issue a restricted license to a person convicted of aggressive driving.

HB 993 **Penalties for racing.** Provides that causing serious bodily injury to another while racing a motor vehicle in a manner that shows a reckless disregard for human life is a Class 6 felony.

The bill also requires seizure and forfeiture of a convicted person's vehicle and surrender of the person's driver's license for one to three years.

HB 592 **Failing to pay for motor fuel; penalty.** Clarifies that any person who intentionally drives away without paying for motor fuel may be prosecuted for larceny, in addition to the \$100 civil penalty.

Enhanced Penalties-Multiple Offenses

HB 250 **Reckless driving**; **penalties**. Provides that if a person is convicted of reckless driving while driving on a suspended or revoked operator's license (for a moving violation) and as the sole and proximate cause of his reckless driving, causes the death of another, he is guilty of a Class 6 felony.

HB 774 **Driving while license, permit, or privilege to drive suspended or revoked.** Provides that mandatory minimum punishment for a third or subsequent offense of driving on a suspended license applies only if such offense occurs within 10 years of the first offense. The bill also revises existent language in an attempt to clarify, without changing the intent of the law.

SB 508 **HOV lanes.** Doubles the fines for second, third, fourth, and subsequent high-occupancy vehicle (HOV) lane violations committed in the 8th Planning District (NOVA), and provides for assessment of three driver demerit points for these second, third, fourth, and subsequent violations as well.

Matters related to the children of employees

HB 866 **Youthful drivers.** Allows foster parents of persons less than 18 years old to certify that they have driven for 40 hours or more, with at least 10 of those hours being at night. Presently, such certification must be made by the applicant's parent or legal guardian.

HB 1120 **Mopeds.** Requires all moped drivers to have identification that includes their name, address, and date of birth. Violations are punishable by a fine of no more than \$50.

SB 362 **Disabled parking**; **license plates.** Provides for the issuance of disabled parking license plates to the parents and legal guardians of persons with physical disabilities that limit or impair their ability to walk.

Miscellaneous:

SB 107 Release of personal data by the Department of Motor Vehicles to toll facility operators and toll technology entities. Allows the Commissioner of the Department of Motor Vehicles to enter into agreements with private toll facility operators or toll collection technology entities to enable them to obtain from the Department personal information in order to conduct motor vehicle research relating to methods of electronic toll collection.

Truck Traffic

HB 1346 Lane restrictions for certain commercial motor vehicles on certain highways. Requires that, on Interstate Route 81, commercial motor vehicles not use the left-most lane. The bill also requires that commercial motor vehicles keep to the right-most lane when operating at a speed of 15 miles per hour or more below the posted speed limit on an interstate highway with no more than two lanes in each direction.

DUI

Affects First Time Offenders as well as repeat offenders

HB 217 **Mandatory minimum fine for a first offense DUI.** Provides that there is a mandatory minimum fine of \$250 for all first offense DUIs, not just for those offenders with an elevated blood alcohol content.

HB 557 **Driving after forfeiture of license for DUI conviction.** Clarifies which penalty provisions apply for driving on a suspended or revoked license or in violation of the terms of a restricted license.

HB 594 Reports to be made by local law-enforcement officers to the Central Criminal Records Exchange (CCRE). Includes DUI as a reportable offense to CCRE by law-enforcement officers upon arrest. Currently, DUI is specifically excluded.

HB 664 **Arrest for drunk driving.** Allows a law-enforcement officer to arrest without a warrant a person who was involved in a motor vehicle accident within three hours of the occurrence of the accident at any location if the officer has probable cause to suspect that the person was driving or operating the motor vehicle while intoxicated. Under current law, the arrest must take place at the scene of the accident or at a hospital or medical facility to which the person has been transported.

HB 786 **Procedure for taking blood samples.** Adds pvp iodine and povidone iodine as substances that may be used to cleanse the part of the body from which a sample of blood is taken for testing for DUI.

HB 1136 **Administrative license revocation.** Provides that when a person is arrested or summonsed for a DUI offense, the period of administrative license revocation shall be seven days for a first alleged offense, 60 days or time of trial, whichever occurs first, for a second alleged offense and time of trial for a third or subsequent alleged offense. Under current law, the suspension period is seven days in all cases.

HB 1138 **Mandatory ignition interlock.** Provides that, in addition to any penalty provided by law for a DUI conviction the court shall, for any offense where an offender's blood alcohol content equals or exceeds 0.15 percent, as a condition of a restricted license or as a condition of license restoration, require an ignition interlock.

SB 202 **Refusal of DUI breath or blood tests; procedures.** Removes the requirement that the magistrate reaffirm to a DUI arrestee his liability for refusal to submit to a preliminary blood or breath test after the arresting officer has already informed the arrestee. The bill also requires that the arresting officer shall inform the DUI arrestee from a form provided by the Office of the Executive Secretary of the Supreme Court and that the arresting officer shall acknowledge on such form that he has read the form to the arrestee.

SB 5007 **Punishment for refusal to give blood or breath test for DUI.** Makes clear that the act of refusal to give a blood or breath test upon arrest for DUI is an offense punishable as a crime.

Repeat Offenders Two and Above

HB 127 **DUI**; **previous offender and breath test refusal.** Punishes refusal to submit to a blood alcohol test as a Class 2 misdemeanor if the offender has a prior offense of DUI or refusal within 10 years, and as a Class 1 misdemeanor if the offender has two prior such offenses. Both offenses also carry a three-year license suspension.

HB 667 **Penalties for driving while intoxicated.** Reduces the blood alcohol content from 0.20 to 0.15 for purposes of mandatory confinement of five days, (10 days for second offense in 10 years), and reduces the blood alcohol content from 0.25 to 0.20 for purposes of mandatory confinement of 10 days, (20 days for second)

HB 676 **Revocation of license for multiple convictions of driving while intoxicated.** Clarifies language regarding administrative license revocation for multiple DUI offenses to eliminate an apparent requirement that a "second offense" or "third offense" be proven for the revocation to occur. The intended effect of new wording is to accomplish revocation for multiple "first offenses," i.e., those cases where the Commonwealth was unable to or did not prove that the defendant had a prior offense.

HB 1137 **Reimbursement for costs of responding to emergencies.** Provides that failure to satisfy a judgment to a locality for responding to an emergency call necessitated by a DUI, reckless driving, driving without a license, driving on a suspended or revoked license and improperly leaving the scene of an accident or a terrorist hoax results in suspension of the person's driver's license, registration certificates and license plates.

HB 1143 **Multiple DUI offenders; Trauma Center Fund.** Establishes in the state treasury a special nonreverting fund to be known as the Trauma Center Fund. The Fund shall consist of any moneys paid into it by those who commit a second or subsequent DUI offense and any moneys appropriated by the General Assembly. The Department of Rehabilitative Services is to award and administer grants from the Fund to appropriate trauma centers that routinely provide emergency medical care to victims of automobile accidents.

HB 1147 **Penalty for driving while intoxicated; subsequent offense.** Creates a mandatory minimum term of 20 days for a second offense within five years, formerly five days; for a second offense within five to 10 years, 10 days in jail, formerly no mandatory minimum; for a third offense within 10 years, 90 days, formerly 10 days; and for a third offense within five years, 6 months mandatory minimum, formerly 30 days.

SB 329 **DUI**; **previous offender and breath test refusal.** Provides that it is a Class 1 misdemeanor for a person who has been convicted of DUI, and who has been issued, and is subject to the provisions of a restricted permit, to drive with a blood alcohol concentration of 0.02 percent or more. The bill also punishes refusal to submit to a blood alcohol test as a Class 2 misdemeanor if the offender has a prior offense of DUI or refusal within 10 years, and as a Class 1 misdemeanor if the offender has two prior such offenses. Both offenses also carry a three-year license suspension.

Repeat Offenders Three and Above

HB 889 **Presumption against bail; repeat DUI offenders.** Provides a rebuttable presumption against bail for a person charged with a DUI-related offense if the person has been convicted of three such offenses within the past five years on different dates and has been at liberty between each conviction. This bill is identical to HB 1132 and an identical provision is in SB 442.

HB 1107 **Penalty for driving while intoxicated; subsequent offense.** Increases from 30 days to six months the minimum mandatory sentence for a third offense DUI committed within five years.

HB 1130 **Forfeiture of vehicle for third DUI offense.** Provides that the Commonwealth may seize and order forfeited the motor vehicle solely owned by a person convicted of a felony DUI. Seizure does not occur until conviction and the exhaustion of all appeals. An immediate family member of the owner of the motor vehicle who was not the driver at the time of the violation may petition the court for the release of the motor vehicle. If he proves by a preponderance of the evidence that his immediate family has only one motor vehicle and will suffer a substantial hardship if that vehicle is seized and forfeited, the court may release the vehicle. In the event the vehicle is sold to a bona fide purchaser subsequent to the arrest but prior to seizure in order to avoid seizure and forfeiture, the Commonwealth will have a right of action against the seller for the proceeds of the sale.

SB 384 **Enhanced punishment for third DUI, etc.** Increases the mandatory minimum sentence for a second DUI within five years from five to 20 days, establishes a mandatory minimum for a second within 10 years to 10 days, a third within 10 years from 60 to 90 days and a third within five years from 30 to 180 days. The blood alcohol level required for additional mandatory minimum penalties is lowered by .05 percent. The bill also extends the seven-day administrative operator's license suspension for a DUI arrest to 60 days for a second alleged offense, and until trial for a third alleged offense. In addition, the sentence of a person convicted of DUI while driving on a revoked license who has previously been convicted of DUI is to run concurrently with any other sentence.

SB 442 **Admission to bail: DUI.** Creates a rebuttable presumption that bail shall be denied to a person arrested for DUI if he has three previous convictions within the past five years for any combination of the following: DUI, DUI manslaughter or DUI maiming. The bill also includes DUI as a reportable offense to the Central Criminal Records Exchange (CCRE) by law-enforcement officers upon arrest. Currently, it is specifically excluded.

VAPT <u>2004-2005</u> MEMBERSHIP/RENEWAL APPLICATION



New Member? Yes___ No___ Please send your completed application including a check in the amount of \$15.00 per

member to cover me County Public Schools	embership dues to:	Mr. Willie Smi	th, VAPT Tre	asurer, Albemarle
*Type of Membership:	(circle one) Admini:	strative	Associate	Honorary
Form of Address:	(circle one) Dr.	Mr. Mrs.	Ms Miss	
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